

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.3402 Definitions.

Sec. 3402.

As used in this chapter:

(a) "Ascendant" means an individual who precedes another individual in lineage, in the direct line of ascent from the other individual.

(b) "Collateral" means an individual who is related to another individual under the law of intestate succession of this state but who is not the other individual's ascendant or descendant.

(c) "Descendant" means an individual who follows another individual in lineage, in the direct line of descent from the other individual.

(d) "Determination of value" means a court order determining the fair market value of heirs property under section 3406 or 3410 or adopting the valuation of the property agreed to by all cotenants.

(e) "Heirs property" means real property held in tenancy in common that satisfies all of the following requirements at the filing of an action to partition real property:

(i) There is no agreement in a record binding all the cotenants that governs the partition of the property.

(ii) One or more of the cotenants acquired title from a relative, whether living or deceased.

(iii) Any of the following apply:

(A) Twenty percent or more of the interests are held by cotenants who are relatives.

(B) Twenty percent or more of the interests are held by an individual who acquired title from a relative, whether living or deceased.

(C) Twenty percent or more of the cotenants are relatives.

(f) "Partition by sale" means a court-ordered sale of the entire heirs property, whether by auction, sealed bids, or open-market sale conducted under section 3410.

(g) "Partition in kind" means the division of heirs property into physically distinct and separately titled parcels.

(h) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(i) "Relative" means an ascendant, descendant, or collateral or an individual otherwise related to another individual by blood, marriage, adoption, or law of this state other than this chapter.

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